

Patent
Attorney's Docket No. 000600-033

REMARKS/ARGUMENTS

The Examiner has referred to the earlier Office Actions in respect of the reasons for rejecting the claims as obvious over Nakayama et al and Miller and added that it is irrelevant whether Nakayama et al has considered the work of another patentee and how much effort Nakayama et al put into the invention and what conclusion that has been arrived at.

Applicants reiterate the arguments previously presented. In addition, it is pointed out that the Examiner has not established why it would be obvious to a person skilled in the art to select the sulfur containing agents of the present invention in favor of all substances known to react with monomers in the absence of any clear expectation of any special kinds of advantages. The fact that no prior art give the slightest indication that the sulfur containing agents of the present invention could solve the problem of eliminating or reducing residual monomers in or on expandable microspheres without unacceptable discolouration is in itself a convincing evidence of non-obviousness.

Second, Nakayama et al must be considered as a typical representative of a team of persons skilled in the art of producing expandable microspheres. The fact that this team of persons skilled in the art have not disclosed the sulfur containing agents of the present invention but instead regarded sulfides as particularly preferred, in spite of the well known (according to the Examiner) problem of discoloration and bad smell, actually teaches away from the present invention and is a further strong indicator of non-obviousness.

In conclusion, the reasons for obviousness brought forward by the Examiner are based on hindsight considerations that presumes prior knowledge of the present invention.

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Respectfully submitted,

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